**IN THE HIGH COURT OF JUDIATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.45 OF 2006

Ganesh Janardhan Mayekar, .. Petitioner.
Vs
Sarpanch, Group Gram Panchayat,
Kalbadevi and anr. .. Respondents

Mr A.V.Chatuphule, for the petitioner.
Mr S.V.More, APP for the respondents.

**CORAM : D.B.BHOSALE, J.**

**DATED : 27th JUNE, 2006**

P.C.:

1. Heard the learned counsel for the parties.

2. This petition is directed against the judgment and order dated 15/12/2005 passed in Criminal Revision Application No.70 of 2005 filed by the petitioner against the order dated 25.4.2005 passed by the Sub-Divisional Magistrate, Ratanagiri under section 133 of the Code of Criminal Procedure. It appears that in past similar orders were passed against the brother of the petitioner and the said petition was rejected vide order dated 11/6/2003. I perused the order passed by the learned Sessions Judge, where he has recorded a categoric finding that the land used by the petitioner for his business of "Kuti", i.e. place for drying fish, is quite near the temple as well as inhabitation and it causes nuisance. It appears that the Circle Inspector as well as the trial Court had

carried out the inspection and the allegations were found to be justified. Keeping that in view and considering that the similar prayer made by the brother of the petitioner in the earlier round of litigation was rejected, this petition is also rejected.

(D.B.BHOSALE,J.)